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Planning & Urban Context Report

Tract



TPA-51795 – Planning Permit Application

270 Clayton Road, Clayton

Prepared for FridCorp Pty Ltd

Overview

Background

Applicant / Owner	FridCorp Pty Ltd
Address	270 Clayton Road, Clayton
Lot Description	Land in Plan of Consolidation 163018W (Volume 09702 – Folio 145)

Relevant Planning Controls

State Planning Policy Framework	Clause 11.01-1S – Settlement Clause 11.02-1S – Supply of urban land Clause 11.02-2S – Structure planning Clause 11.02-1S – Activity centres Clause 11.03-1R – Activity centres – Metropolitan Melbourne Clause 15.01-1S – Urban design Clause 15.01-1R – Urban design – Metropolitan Melbourne Clause 15.01-2S – Building design Clause 15.01-4S – Healthy neighbourhoods Clause 15.01-4R – Health neighbourhoods – Metropolitan Melbourne Clause 15.01-5S – Neighbourhood character Clause 15.02-1S – Energy and resources efficiency Clause 15.03-2S – Aboriginal cultural heritage Clause 17.01-1S – Diversified economy Clause 17.02-1S – Business Clause 17.04-1S – Facilitating tourism Clause 18-01-1S – Land use and transport planning Clause 18.02-1S – Sustainable personal transport Clause 18.02-1R – Sustainable personal transport – Metropolitan Melbourne Clause 18.02-2S – Public transport Clause 18.02-2R – Principal Public Transport Network Clause 18.02-4S – Car parking Clause 19.03-3S – Integrated water management
Local Planning Policy Framework	Clause 21.04 – Residential Development Clause 21.06 – Major Activity and Neighbourhood Centres Clause 22.03 – Industry and Business Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.13 – Environmentally Sustainable Development Policy
Zone	Commercial 1 Zone (C1Z)
Overlays	Special Building Overlay (SBO)

Particular Provisions	Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to a Road Zone, Category 1 road, or a Public Acquisition Overlay for a Category 1 road Clause 52.34 – Bicycle Facilities
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Other considerations	Plan Melbourne 2017-2050 Clayton Activity Centre Precinct Plan (January 2020) Aboriginal Cultural Heritage Sensitivity Suburban Rail Loop
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Permit Application Details

Description of Proposal	Use of land as a residential hotel and buildings and works associated with a multi-storey mixed use building and reduction of car parking spaces.
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Permit Requirement	Buildings and works within the Commercial 1 Zone (C1Z). Use of land for Accommodation (serviced apartments) within the Commercial 1 Zone (C1Z). Buildings and works within the Special Building Overlay (SBO). Reduction in the standard car parking requirement (Clause 52.06).
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Front Cover Image: Clayton Road Project Render (Binyan).

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Quality Assurance

Planning & Urban Context Report

TPA-51795 – Planning Permit Application
270 Clayton Road, Clayton

Project Number

319-0775-00-P-02 RP01

Revision (see below)

01

Prepared By

Ben Cooke

Reviewed By

Joseph Indomenico

Project Principal

Joseph Indomenico

Date of Issue

12 November 2020

Revisions

Rev	Date	Details	Prepared By	Reviewed By	Project Principal
00	16 July 2020	Draft Report	BC	Jl	Jl
00	20 July 2020	Final Report	BC	Jl	Jl
01	12 November 2020	Revised Report for Advertising	BC	Jl	Jl

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1 Introduction

1.1 Overview

This Planning and Urban Context Report has been prepared by Tract upon the instructions of Fridcorp Pty Ltd in support of a planning permit application TPA-51795.

The planning permit was lodged with Monash City Council on 3 August 2020.

The planning permit application is for the *'use of land as a residential hotel and buildings and works associated with a multi-storey mixed use building and reduction of car parking spaces'* at 270 Clayton Road, Clayton ('the Site').

The proposal triggers the following planning permit requirements:

- Buildings and works within the Commercial 1 Zone (C1Z).
- Use of land for Accommodation (serviced apartments) within the Commercial 1 Zone (C1Z).
- Buildings and works within the Special Building Overlay (SBO).
- Reduction in the standard car parking requirement (Clause 52.06).

1.2 Background

Fridcorp represents Metroco Pty Ltd & Avanta Lty Ltd who is the landowner.

Fridcorp is a privately owned property development company operating in the commercial and residential sectors across the eastern seaboard of Australia. Since its inception over twenty years ago, Fridcorp has earned an enviable reputation as one of Australia's most design-focused property developers, delivering attainable luxury in every project that carries its name.

Following extensive due diligence and analysis by Fridcorp, the decision was made to proceed with this planning permit application.

The planning permit application involves the construction of an architecturally designed 11 storey mixed use building within the heart of the Clayton Activity Centre.

With an estimated capital investment value of \$55 million, the project will create a major stimulus to the Victorian economy over a 2-3 year works program. Moreover, the project will provide a significant level of confidence in the local market and much needed short term accommodation and commercial floor space in one of Melbourne's largest National Employment and Innovation Cluster (NEIC).

Fridcorp and its project team participated in a highly collaborative pre-lodgement program in April and May of 2020. The purpose of the pre-lodgement program was to introduce the Site, discuss Fridcorp's and the project team's philosophical approach to built form and programming and to share ideas and design suggestions about the highest and best use of the Site.

1.3 Project Team

The project team assembles by Fridcorp Pty Ltd for this application consists of:

- **Architecture and Urban Design** – BG Architecture.
- **Town Planning** – Tract.

- **Landscape Architecture** – Tract.
- **Sustainability Management**– Wrap consulting engineering.
- **Traffic** – Ratio.
- **Waste Management** – Ratio.
- **Green Travel** – Ratio.
- **Cultural Heritage** – Andrew Long and Associates.
- **Project Renders** – Binyan.
- **Site Feature Survey** – Veris.

1.4 Report Structure

This report provides an overview of the Site and its surrounds (Chapter 2) as a contextual basis to introduce and detail the proposal (Chapter 3). Relevant planning policies and strategic documents are detailed (Chapter 4) to establish a framework to the assessment of the proposal (Chapter 5). Finally, the assessment informs the conclusions and recommendations of this report (Chapter 6).

1.5 Limitations

This report has considered the following:

- *Monash Planning Scheme* as of 13 July 2020.
- *Plan Melbourne 2017-2050*.
- *Clayton Activity Centre Precinct Plan (January 2020)*.

2 Site & Surrounds

2.1 Site Description

The Site is located at 270 Clayton Road, Clayton and is formally identified as Land in Plan of Consolidation 163018W (Volume 09702 – Folio 145).

Instrument R220737R illustrates the State Electricity Commission (SEC) leases a rectangular section of the north eastern corner of the Site. This is not shown on the Plan TP819095H.

2.2 Site Context

The Site is located approximately 18km south east of the Melbourne CBD within the Monash City Council municipality.

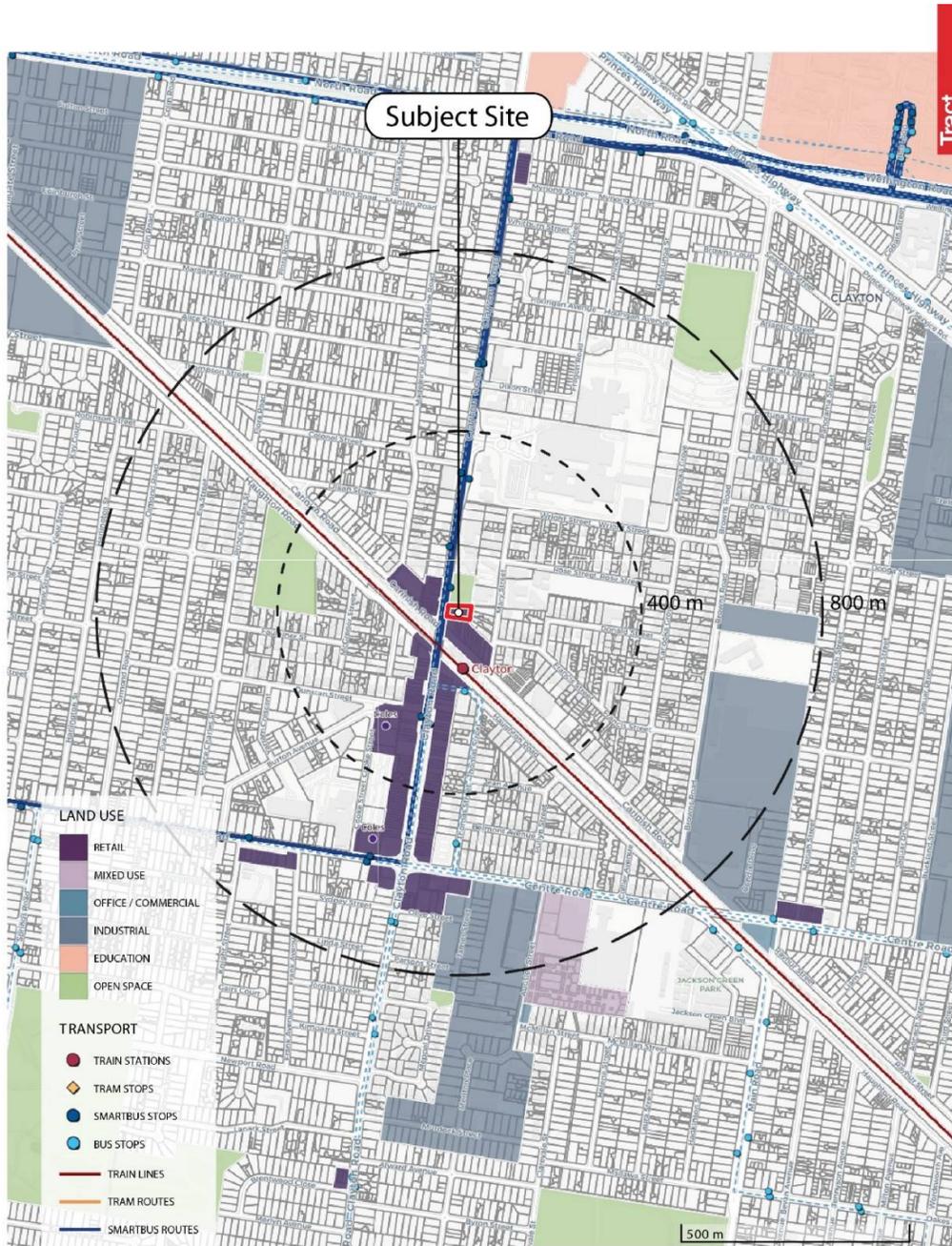
The Site is situated within the Monash National Employment and Innovation Cluster and the Clayton Major Activity Centre. These areas are local and regional destinations that also are nationally significant because of the role they play in attracting workers, students and visitors from across Australia and overseas.

The activity centre is oriented in a north-south direction with Clayton Road providing its spine. It is bookended by Centre Road in the south, and North Road in the north. The metropolitan rail line (Cranbourne-Dandenong) dissects the activity centre in an east-west direction parallel (and to the south of) to Carinish Road.

Clayton train station is located approximately 100m south of the Site and Clayton Road carries several major bus services including routes:

- 631: Southland - Waverly Gardens via Clayton and Monash University.
- 703: Middle Brighton – Blackburn via Bentleigh and Clayton.
- 704: Oakleigh – Westall Station via Clayton.
- 733: Oakleigh – Box Hill via Clayton and Monash University and Mt Waverly.
- 821: Southland – Clayton via Heatherton.
- 824: Moorabbin – Keysborough via Clayton and Westall.

The closest bus stop to the Site is at Clayton train station. The train station has been part of the State Government's Level Crossing Removal project and the new facility now incorporates shared trails, bicycle storage, recreation facilities (e.g. basketball / netball courts) and has become the new recreational hub for the community as it continued to evolved into a Major Activity Centre.



Drawing Title

Project Name

DR02 - Context Plan

270 Clayton Road, Clayton

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
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Figure 1 Context Plan

2.3 Analysis

The Site is approximately 1,384sqm in area and is generally rectangular in shape. It has a frontage to Clayton Road of approximately 25.4 metres (west) and three frontages to unnamed right of ways including approximately 50.2 metre (north), 29.9 metres (east) and 50.1 metres (south).

There is an average slope across the Site of approximately 3% and there are no existing trees or vegetation.

The Site is currently occupied by a single footprint, two-storey office building (built circa 1970). Its current tenant is Monash Health – Ophthalmology Department and is accessible via a stair entrance along Clayton Road. The building is set back approximately 7.5m from both Clayton Road and its rear laneway boundary. The existing front setback includes basic landscaping and shrub planting and the rear setback includes approximately 11 at-grade car parking spaces and access to basement car parking. The building is generally built to the southern boundary and part of the northern boundary with windows on both levels at all orientations. An existing substation is located within the north-east corner of the Site.

The immediate interfaces of the Site are:

- **North** – an unnamed laneway (ROW) measuring approximately 3.06m in width running east-west (between Clayton Road and Mary Street) along the entire northern boundary. Beyond the laneway lies the Clayton Hall forecourt and remembrance gardens. This public open space is within a garden setting with an array of mature trees and semi-circulate vehicle driveway/drop off associated with the Clayton Main Hall to the north-east of the Site.
- **East** – an unnamed laneway (ROW) measuring approximately 3.0m in width running north-south (between Clayton Main Hall and Carinish Road) along the entire eastern boundary. Beyond the laneway to the east lies several residential dwellings fronting Mary Street, namely:
 - 23 Mary Street, Clayton – single storey dwelling with east facing private open space. Several large trees along the rear property boundary. Vehicle access (single crossover) along Mary Street.
 - 25 Mary Street, Clayton – two single storey dwellings with east facing private open space to the rear dwelling. Several large trees along the rear property boundary. Vehicle access (single crossover) along Mary Street.
 - 27 Mary Street, Clayton – two single storey dwellings with north-east facing private open space to the rear dwelling (as well as partial building built along rear property boundary). Vehicle access (single crossover) along Mary Street.
 - 29 Mary Street, Clayton – single storey dwelling positioned close to the Mary Street frontage and a paved car parking area (with capacity for approximately 5-6 cars) located at the rear. No rear fence along laneway. Vehicle access (single crossover) along Mary Street with rear car parking accessible via laneway access.
- **South** – an unnamed laneway measuring approximately 3.26m in width running east-west (between Clayton Road and 29 Mary Street) along the entire southern boundary. Beyond the laneway lies the rear of commercial buildings that present to Carinish Road. Several of these commercial properties include at-grade car parking along this laneway (the built from does not meet the laneway alignment). Further south is the (elevated) Clayton train station.
- **West** – Clayton Road (Road Zone Category 1 and major arterial road) which measures approximately 25m in width. Beyond Clayton Road lies commercial buildings. Clayton Road includes a central medium strip with several mature trees planted along this section of road.



Drawing Title

Project Name

DR01 - Aerial Plan

270 Clayton Road, Clayton

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
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Figure 2 Aerial Image

2.4 Development Context

The renewal of Clayton, particularly land in and around the activity centre, has commenced.

Strategic land acquisitions are occurring and there has been a steady stream of development approvals of late that give rise to a variety of medium and higher density development outcomes. Some of these include:

- 99-121 Carinish Road, Clayton – 9 level mixed use (DOIG Architecture).
- 1408-1418 Centre Road, Clayton South – 6 level residential (DKO).
- 261 Clayton Road, Clayton – 4 levels residential (CHT Architects).
- 29 Browns Road, Clayton – 4 levels residential (Mushan Architects).
- 22 Burton Avenue, Clayton – 3 level residential (Peddle Thorp Architects).

The substantial investment in public transport infrastructure by the State Government together with Council's commitment to facilitate the redevelopment of the activity centre through the *Clayton Activity Centre Precinct Plan* will see a sustained and somewhat substantial level of medium and high density development occur over the coming years. This will create a new built form character commensurate with that expected to be delivered in a National Employment and Innovation Cluster (NEIC).

3 Proposal

3.1 Overview

This section of the report should be read in conjunction with the architectural plans and urban context report prepared by BG Architecture.

This application seeks a permit for:

- *'Use of land as a residential hotel and buildings and works associated with a multi-storey mixed use building and reduction of car parking spaces.'*

3.2 Planning Permit Triggers

A permit is required pursuant to the following provisions of the *Monash Planning Scheme*:

- Buildings and works within the Commercial 1 Zone (C1Z).
- Use of land for Accommodation (serviced apartments) within the Commercial 1 Zone (C1Z).
- Buildings and works within the Special Building Overlay (SBO).
- Reduction in the standard car parking requirement (Clause 52.06).

The following elements of the proposal do not trigger the need for a planning permit:

- Demolition of the existing building.
- Use of the land for 'Office' within the Commercial 1 Zone.
- Use of the land for 'Retail premises (other than a Shop)' within the Commercial 1 Zone.
- Use of the land for a 'Shop (other than an Adult sex product shop)' within the Commercial 1 Zone.

A small 'conference facility' (meeting rooms) and 'leisure and recreation facility' (gym/health rooms) will be provided and will be ancillary to the primary office and serviced apartments land use.

This application does not seek to subdivide land.

3.3 Key Elements

3.3.1 Architectural Design

Architectural Plans have been prepared by BG Architecture and can be found enclosed within the application material.

The proposal includes the following key architectural elements:

Basement

There are 4 basement levels. Apart from the northern boundary where a 600mm setback is provided, each basement level is built to boundary. All basement levels are arranged in a logical manner with two-way circular vehicle access and a central core with lift and stairs to the building above.

In addition to car parking spaces generally arranged at right angles along the northern and southern site lengths, the basement includes several bicycle parking spaces (basement level 1), a 30,000L rainwater tank (basement level 3) and an array of services and associated infrastructure typical of a development of this nature.

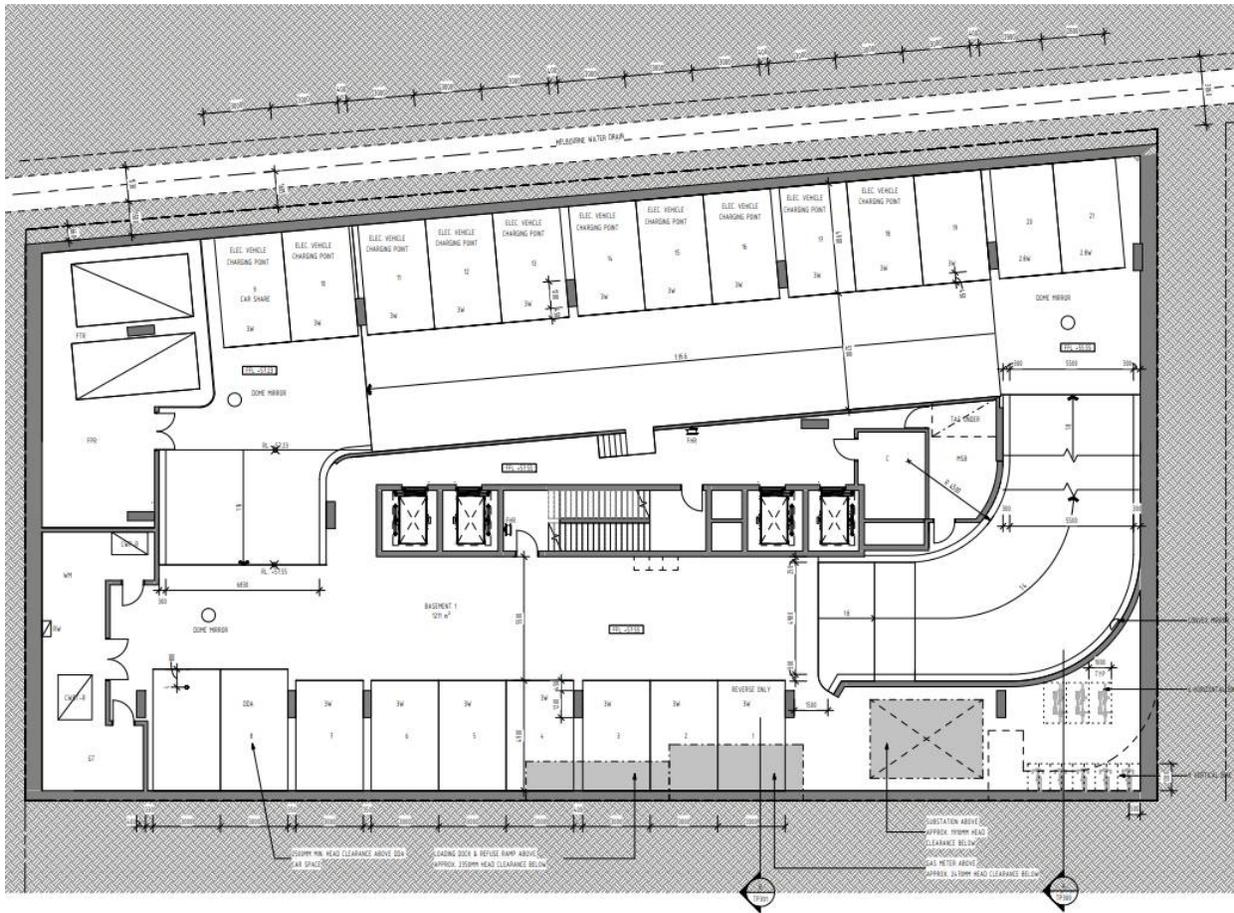


Figure 3 Basement Level 1 Plan

Ground Floor

The key features of the ground floor include:

- A setback along the Clayton Road western site boundary between 4.44m (northern extent) and 3.0m (southern extent). This setback provides improved pedestrian accessibility and public realm as envisaged within the *Clayton Activity Centre Precinct Plan*. There are planter boxes (with shrubs and climbers and ground cover) along portions of the frontage to provide greenery and visual separation between Clayton Road and the ground floor uses. The ramp has been designed to DDA standards and enables convenient access when approaching the site from the south (such as from Clayton train station) while the incorporation of stairs in the north-western corner appropriately responds to the site's topographic context.
- Two retail premises accessible via Clayton Road and northern public realm frontage, specifically:
 - Retail premises 01 (approximately 106sqm) on the corner of Clayton Road and the northern boundary.
 - Retail premises 02 (approximately 182sqm).
- A setback along the ROW northern site boundary of approximately 3.10m. This setback provides improved pedestrian accessibility and introduces public realm, including visitor bike parking spaces, planter boxes (with shrubs, climbers and ground cover) as well as opportunities for north facing outdoor activities associated with ground floor retail and serviced apartment entry.

- The primary pedestrian building entrance is along the northern site interface and is approximately 6m in width. This provides an attractive point of reference and separates this human-scale feature from the Clayton Road environs.
- A separate serviced apartment entry (including reception and administration).
- Co-located bicycle parking and generous end of trip facilities (with dedicated rear bicycle parking access).
- Vehicle entrance into the basement car parking (located in the north-eastern corner of the Site) via the northern laneway.
- Logical loading and waste storage facilities accessible along the southern ROW.
- The proposal includes 4 lifts (2 lifts dedicated to the office component of the building and 2 lifts dedicated to the serviced apartment component of the building) and a central stairwell.
- The substation is proposed to be located along the southern portion of the Site to enable maximum opportunities for active frontages and landscaping along the eastern (Clayton Road) and northern (ROW) interfaces.

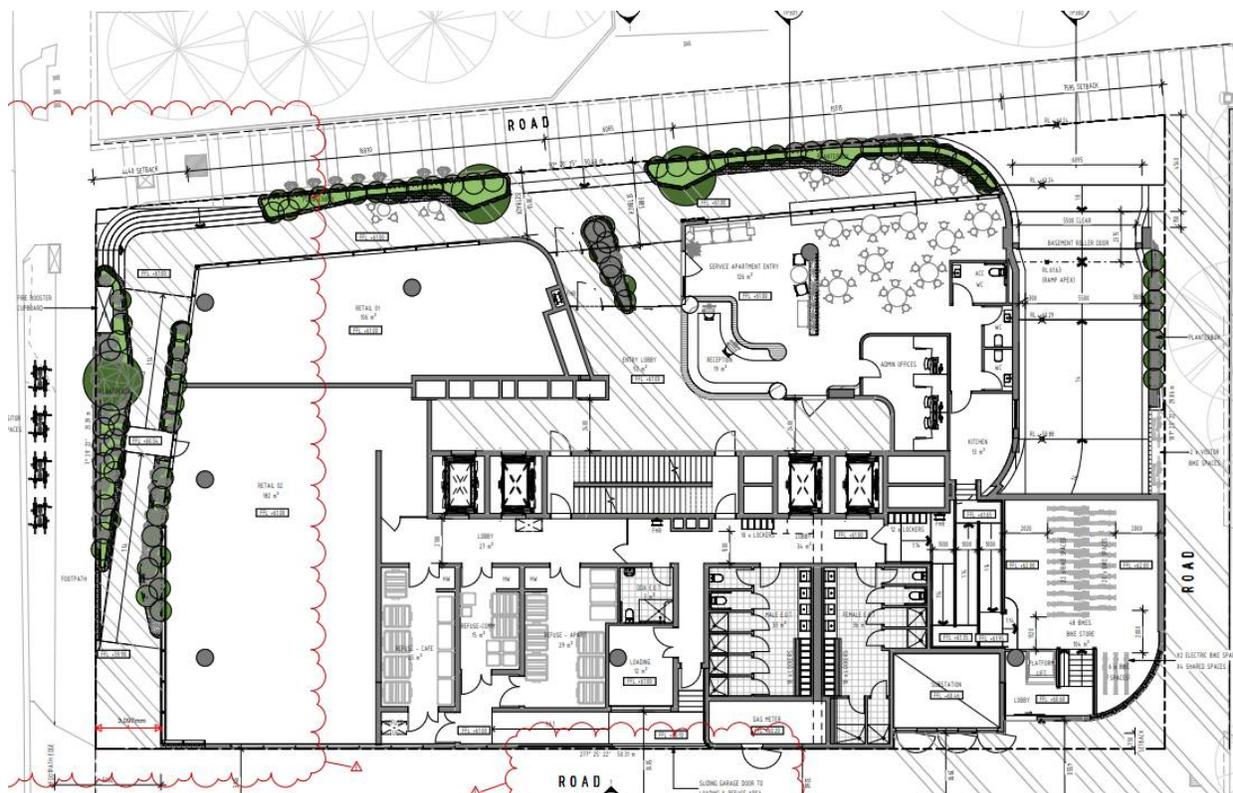


Figure 4 Ground Floor Plan

Office

Levels 1-4 (4 levels in total) propose office, specifically:

- Level 1 – 12 office tenancies ranging in floor area between 57sqm and 112sqm – total approximately 993sqm.
 - Level 2 – four office tenancies ranging in floor area between 212sqm and 345sqm – total approximately 1152sqm.
 - Level 3 – four office tenancies ranging in floor area between 189sqm and 254sqm – total approximately 896sqm.
- Two separate terraces are provided at this level too. One is communal and is located in the north-west corner. It is 143sqm in area and it features in-built planter boxes, BBQ and communal seating. The other is a shared terrace

between Office Tenancy 301 and 304 in the south-west corner. It is approximately 76sqm in area and it includes in-built planter boxes

- Level 4 – two office tenancies ranging from 225sqm to 372sqm in area – total approximately 597sqm. Each tenancy has its own terrace with in-built planter boxes and seating.
- Subtle shading blades are proposed at levels 2, 3 and 4 to assist with delivering excellent ESD outcomes (such as shading glazing) and extrude from the buildings main façade by approximately 600mm.



Figure 5 Office Level 3 Plan

Serviced Apartments

Levels 5-9 (4 levels in total) comprise serviced apartments, specifically:

- Total of 104 serviced apartments.
- Combination of single rooms, double rooms and co-joined rooms.
- Natural light to internal corridors to the north, south and east.



Figure 6 Serviced Apartments Level 9 Plan

Level 10 Rooftop

The key features of the Level 10 Rooftop include:

- Access for office patrons and serviced apartment guests only.
- Generous communal open space approximately 214sqm in area, primarily fronting the Clayton Hall forecourt and remembrance gardens to the north and including planter boxes and seating. A light weight, visually recessive pergola is proposed partially above open space terrace area.
- Conference centre facilities (specifically for the use for office patrons and serviced apartment guests only) approximately 127sqm in area.
- Health club facilities (specifically for the use for office patrons and serviced apartment guests only) approximately 89sqm in area, and associated change rooms and washing facilities.
- Plant equipment and back of house services.

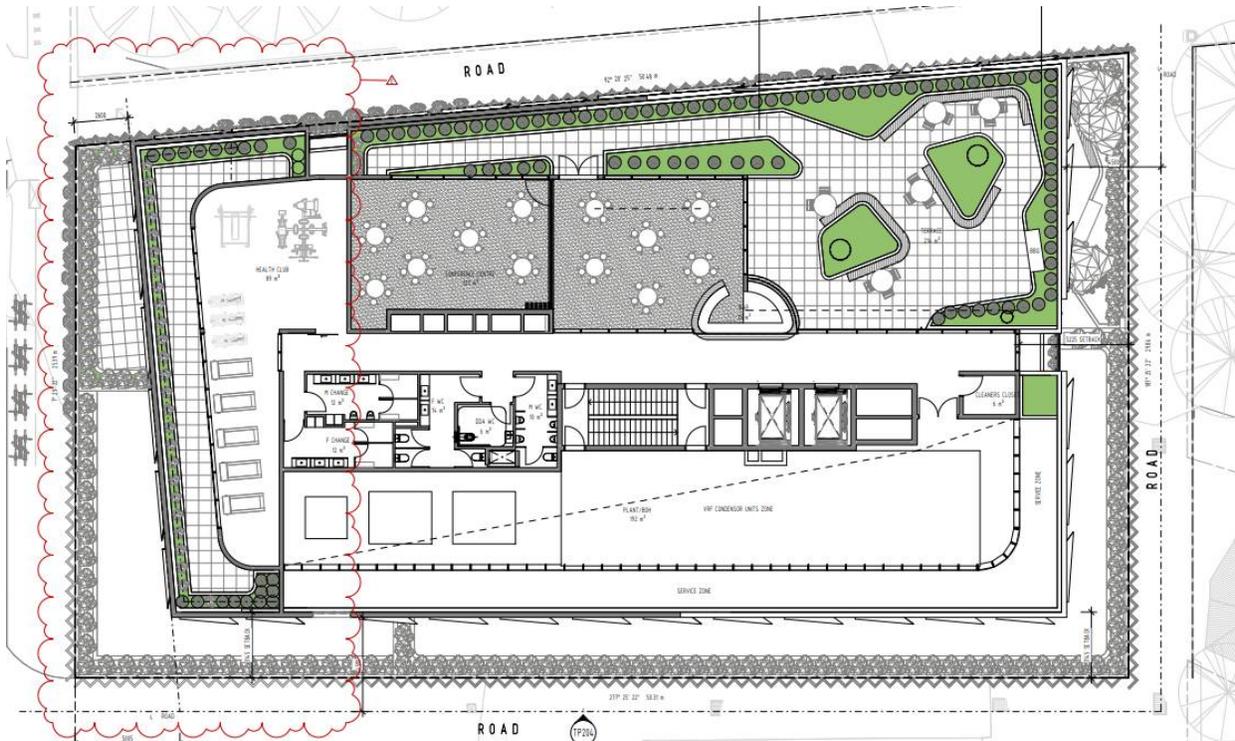


Figure 7 Rooftop Plan

3.3.2 Landscape Concept Report

A Landscape Concept Report dated 11 November 2020 has been prepared by Tract and can be found enclosed within the application material.

The landscape proposal has been guided by the following three design drivers:

- Sanctuary - Create an aesthetically pleasing terrace that provides a tranquil environment and green relief, secluding itself from the urban setting. Raised planters & vertical structures will transform the space into a private oasis.
- Flexibility and functionality - Provide a terrace that is capable of various activities from a casual lunch in the garden, lunchtime activities, Friday night drinks as well as small to large functions.
- Modern office - Create a natural extension of the interior to encourage work activities to flow outside. Provide opportunities for outdoor meetings and workspaces in order to provide the ultimate modern office experience.

The proposal includes the following key landscape elements:

- Ground floor - The 'opening up' of the site provides several new areas for landscape opportunities, improving the public realm between site and its current surroundings. The new shared thoroughfare will become gentle transition into site, with consistent paving flowing between spaces, then changing direction to define the site boundary. The upgraded surrounding laneways provide alternate links through the site and will accommodate both pedestrians & bicycles only to the east, while vehicle access will be limited to the southern side of the building.
- Level 3 terrace - The Level 3 communal terrace provides an extension of the internal commercial space, whilst providing significant greening that will be seen from below, and the void above to Level 4. The terrace provides ample natural light into the interior spaces, whilst providing shade beneath feature trees, allowing users to occupy the space for outdoor meetings, lunch breaks, small gatherings, and work events. The terrace also features an

outdoor kitchen and BBQ for such events. The south-west corner of the building shows a more simplified terrace, providing lush greening to the building perimeter, as well as a space for outdoor meetings and lunch breaks.

- Level 4 terrace - The Level 4 terrace provides an extension of the Level 3 communal terrace below, with generous greening and functional outdoor work benches, where occupiers can enjoy the flexibility to work outdoors, or enjoy their lunch break. The use of timber in the tables will provide warmth and a tactile surface to a space that would otherwise appear cold with the use of bluestone and brick.
- Rooftop terrace - The rooftop terrace continues to provide significant greening and function spaces for the commercial tenants of the building. With the addition of the architectural shade structure, a modified shade tolerant plant palette will be applied, with climbing plants reaching to the overhead shelter. Alike the Level 3 terrace, the space features an outdoor kitchen and BBQ, encouraging social work events spanning throughout the generous shared space.

The proposal includes the following key landscape materials:

- Ground floor - The materials on the Ground Floor will flow consistently through the building, complementing the materials and shapes of the building itself. Banded paving will be achieved with contrasting materials such as bluestone, granite and exposed aggregate concrete, all to be in accordance with Council Guidelines. Seating benches will be integrate into the raised planters, maximising space and allowing better functionality along the commercial frontages. Tension cables for climbing plants will be coordinated with a specialist to achieve maximum green coverage to the building facade.
- Upper terraces - For consistency, bluestone paving will transition from the ground floor to the upper floors. Timber will be introduced to in-situ seating benches and bar height tables provide warmth and a tactile surface. Raised planters will vary in height with perimeter planters at balustrade heights, and internal planters at a lower seating height to not enclose the space.



Figure 8 Ground Floor Landscape Plan



Figure 9 Rooftop Terrace Landscape Plan

3.3.3 Environmentally Sustainable Design

A Sustainable Management Plan dated 11 November 2020 has been prepared by Wrap consulting engineering and can be found enclosed within the application material.

The proposal includes the following key sustainability elements:

- The application is on target to achieve the equivalent to 47 Green Star points, with a further 9.5 points TBC. A 4 star Green Star rating is equivalent to 45 Green Star points or above.
- 30,000L rainwater tank (located within basement level 3) used for toilet flushing end of trip facilities, commercial amenities, landscape irrigation and bin room washdown.
- STORM rating 100%.
- Solar PV array (located on rooftop).
- Active transport facilities (including secure bicycle parking, end of trip facilities, electric car charging facilities, etc.).

3.3.4 Active Transport

A Green Travel Plan dated 11 November 2020 has been prepared by Ratio and can be found enclosed within the application material.

The main objective of the Green Travel Plan is to reduce the carbon emissions resulting from the building that are generated through private car travel, as it is the travel mode that typically contributes the most carbon emissions per kilometre travelled. The reduction of carbon emissions is a means to slow down the impacts of climate change.

The proposal includes the following specific Green Travel Plan objectives:

- Provide tenants with the information and tools to make informed decisions on their transport habits.
- Promote the use of walking and cycling modes.
- Encourage the use of public transport to/from the site.
- Make visitors to the site aware of the sustainable transport alternatives.
- Discourage the use of private vehicles where there is suitable access to alternative, more sustainable transport options.

The Green Travel Plan presented the following list of actions:

- General actions.
- Walking and cycling actions.
- Public transport actions.
- Private vehicle.
- Monitoring.
- Review.

3.3.5 Car and Bicycle Parking

A Traffic Report dated 10 November 2020 has been prepared by Ratio and can be found enclosed within the application material.

A total of 120 car parking spaces are proposed within the four levels of basement parking, allocated as follows:

- Total of four car spaces allocated to staff of the two retail tenancies fronting Clayton Road (two spaces each).
- 68 spaces allocated to the office use, at a provision rate of 1.85 spaces per 100sqm.
- 47 spaces allocated to the serviced apartments, at a provision rate of 0.45 spaces per serviced apartment.
- One car share space.

Vehicle access is proposed to be provided to/from the Right of Way abutting the northern boundary of the site. A total of 73 bicycle parking spaces are proposed on-site.

The Traffic Report considers the proposal to be acceptable from a traffic engineering perspective and is not expected to create adverse traffic or parking impacts in the precinct based on the following conclusions:

Car parking provision

- The Site is ideally located to take advantage of access to sustainable transport alternatives such as the metropolitan train, buses, bicycle & pedestrian network. This will enable users of the proposed development to travel to and from the site.
- The provision of 120 car parking spaces (four for retail use, 68 spaces for office use, 47 spaces for serviced apartments and one car share space) is expected to meet the long-term parking demand (including staff/employees and guests of the serviced apartments) of the proposed development.
- The proposed level of on-site car parking for each of the component uses reflects the empirical demand and/or Council approval for sites with similar uses and locations in Activity Centres with excellent public transport and bicycle facilities.
- The generous provision of 73 bicycle parking spaces will encourage the use of alternative transport modes and reduce the reliance on private vehicle use.
- The provision of an on-site car share vehicle plus a share bicycle scheme for use by staff and guests will help to reduce the demand for car parking generated by uses on the site.
- The parking supply in the vicinity of the site is generally subject to short-term parking restrictions, with the unrestricted parking supply is generally subject to high occupancy levels and therefore not suitable for long term parking. This will discourage users such as employees/staff of the proposed development without an onsite car parking space to drive to/from the site.
- The parking surveys further indicate that there is ample capacity within the surrounding on-street parking (including during peak weekday afternoon), which is generally subject to short-term parking restrictions. These on-street car parking spaces can easily accommodate the expected short-term demand of office visitors and retail customers of the proposed development.
- It is expected that the retail tenancies will operate, to some extent, as ancillary to the surrounding retail and commercial businesses (including proposed on-site) in the area and will draw a portion of its patronage from nearby residents, commuters and customers of other businesses in the precinct.
- The proposed mixed-use development is in line with the Local and State Policies.

Vehicular Access and Car Parking Layout

- Vehicular access to/from the site is proposed the RoW abutting the northern boundary of the site. The accessway located at the northeast corner of the site has been designed in accordance with the requirements of the Monash Planning Scheme.
- The proposed 120 car parking spaces (including one DDA space and one car share space) have been designed in accordance with the requirements of the Monash Planning Scheme and/or relevant sections of AS 2890.1:2004.
- Swept path assessments demonstrates that all critical car parking spaces (including critical bays for the car stacker systems) can be accessed in a satisfactory manner.

Traffic Generation and Impact

- The proposed development is estimated to generate up to 57 vehicular movements in the AM and PM peak hours of traffic which will flow directly onto the RoW abutting the northern boundary of the site and then onto the surrounding road network via Clayton Road/Mary Street.

- It is recommended that Council give strong consideration to the conversion of the existing two-way vehicle flow along the northern ROW to a one-way eastbound direction between Clayton Road and the western side of the proposed site access point to reduce any potential conflict along the northern ROW, particularly at Clayton Road.
- Subject to the section of the northern ROW abutting the site being converted to a one-way eastbound restriction, the surrounding road network including the three ROWs abutting the northern, eastern and southern boundaries of the site, as well as Clayton Road, Mary Street and Carinish Road have the ability to accommodate the expected increase in traffic volume associated with the proposed development and therefore is not expected to create adverse traffic safety or operational impacts.
- If the western section of the northern ROW cannot be converted to one-way operation, then it is recommended that a passing bay be created within the existing laneway reserve at the western end of the northern ROW to cater for simultaneous traffic movements to/from Clayton Road.

Bicycle Parking Provision & Layout and End of Trip Facilities

- The development provides a total of 73 bicycle parking spaces onsite to cater for the needs of all the users of the proposed development. This provision of bicycle parking spaces exceeds the statutory requirements of Clause 52.34 of the Monash Planning Scheme and is considered to be appropriate.
- The bicycle parking layout has been designed in accordance with the Australian Standard AS2890.3:2015 and is considered satisfactory.
- Provision of nine combined showers and change rooms adjacent to the bicycle parking room on ground floor of the development is considered satisfactory. The development also provides a total of 58 lockers for the users.

Loading and Waste Collection Arrangements

- A loading area has been provided on ground floor of the proposed development. The loading and unloading activities associated with the proposed development will be undertaken within the RoW abutting the southern boundary of the site. The swept path assessment demonstrates a 6.4-metre-long Small Rigid Vehicle entering the RoW abutting the southern boundary of the site in a forwards direction via the RoWs abutting the northern and eastern boundary of the site, access the loading bay to load/unload items and then exit the RoW in a forwards direction onto Clayton Road in a suitable manner.
- Waste is proposed to be collected from the RoW abutting the southern boundary of the site by a private waste contractor.
- The swept path assessment undertaken demonstrates the ability for a 6.4-metre-long Mini Rear Loader Waste Collection Truck to enter the RoW abutting the southern boundary of the site via the RoWs abutting the northern and eastern boundary of the site, collect waste and depart onto Clayton Road in a suitable manner.

3.3.6 Waste Management

A Waste Management Plan dated 11 November 2020 has been prepared by Ratio and can be found enclosed within the application material.

The proposal includes the following key waste management elements:

- Waste shall be collected within the southern ROW by a private waste contractor, using 6.4-metre-long mini rear loaders.
- Bins shall not be left on southern ROW at any time. Following waste collection activities, the bins shall be returned to their dedicated bin room as soon as possible.
- The area allocated for the commercial and serviced apartment bin storage shown on the architectural plans (ground floor plan) is sufficient to store the required number of bins.

4 Planning Policies & Controls

4.1 Planning Policy Framework & Local Planning Policy

4.1.1 Planning Policy Framework

- **Clause 11.01-1S – Settlement** seeks to develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities including through development and investment opportunities along existing and planned transport infrastructure. In particular, to promote and capitalise on opportunities for urban renewal and infill redevelopment within existing or planned activity centres to maximise accessibility to facilities and services, and ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- **Clause 11.02-1S – Supply of urban land** plans to accommodate projected population growth and consider opportunities for the consolidation, redevelopment and intensification of existing urban areas, maintaining access to a sufficient supply of land which is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 11.02-2S – Structure planning** seeks to facilitate the orderly development of urban areas through the undertaking of comprehensive structure planning for neighbourhoods and precincts which provides for the development of sustainable, walkable and liveable urban areas in an integrated manner.
- **Clause 11.02-1S – Activity centres** calls for a concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centre that are highly accessible to the community. This includes through the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- **Clause 11.03-1R – Activity centres – Metropolitan Melbourne** specifically supports the development of Metropolitan Activity Centres by ensuring that are able to accommodate significant growth for a broad range of land uses, are supported with appropriate infrastructure, are hubs for public transport services, offer good connectivity for a regional catchment, and provide high levels of amenity.
- **Clause 15.01-1S – Urban design** promotes urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and identity through a development's response to context, its interfaces to public space, and its contribution to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- **Clause 15.01-1R – Urban design – Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity.
- **Clause 15.01-2S – Building design** calls for outcomes that contribute positively to the local context and enhance the public realm, particularly in regard to strategic and cultural context, neighbouring properties, the function and amenity of the public realm, and perceptions of safety and property security.
- **Clause 15.01-4S – Healthy neighbourhoods** aims to achieve neighbourhoods which foster healthy and active living and community wellbeing.
- **Clause 15.01-4R – Health neighbourhoods – Metropolitan Melbourne** encourages use of the 20-minute neighbourhood concept that gives people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S – Neighbourhood character** recognises the need for development to respond to cultural identity and to existing or preferred neighbourhood character by emphasising the pattern of local urban structure

and subdivision, the underlying natural landscape character and significant vegetation, and the heritage values and built form that reflect community identity.

- **Clause 15.02-1S – Energy and resources efficiency** encourages land use and development that is energy and resources efficient, supports a cooler environment and minimises greenhouse gas emissions.
- **Clause 15.03-2S – Aboriginal cultural heritage** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance, in particular ensuring that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2016*.
- **Clause 17.01-1S – Diversified economy** supports employment areas and facilitates growth in a range of employment sectors including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region. In particular jobs are supported close to where people live.
- **Clause 17.02-1S – Business** supports development that meets the community's needs for retail, entertainment, office, and other commercial services, particularly in areas where commercial facilities are aggregated within activity centres.
- **Clause 17.04-1S – Facilitating tourism** seeks to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination, particularly where public transport is available.
- **Clause 18.01-1S – Land use and transport planning** envisages a safe and sustainable transport system achieved through the integration of accessible transport networks with land uses such as jobs and other services. New development should provide equitable access to transport infrastructure and take advantage of all available modes of transport to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- **Clause 18.02-1S – Sustainable personal transport** promotes the use of sustainable personal transport within redevelopment areas and transit-oriented development areas (such as railway stations) by providing opportunities for more walking and cycling. This particularly includes the provision of cycling infrastructure, parking, and related facilities within new development, and ensuring facilities area safe, convenient, and accessible for users.
- **Clause 18.02-1R – Sustainable personal transport – Metropolitan Melbourne** seeks to improve local travel options for walking and cycling to support 20-minute neighbourhoods.
- **Clause 18.02-2S – Public transport** aims to facilitate increased development close to high-quality public transport routes to connect activity centre, job rich areas, and outer suburban areas.
- **Clause 18.02-2R – Principal Public Transport Network** promotes the utilisation of existing infrastructure to increase the diversity and density of development along the PPTN, particularly at interchanges, activity centres and where principal public transport routes intersect.
- **Clause 18.02-4S – Car parking** aims for an adequate supply of car parking that is appropriately designed and located.
- **Clause 19.03-3S – Integrated water management** promotes the sustainable management of water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach. In particular stormwater quality and quantity is encouraged to be managed through a mix of on-site measures to provide greatest net community benefit.

4.1.2 Local Planning Policy

- **Clause 21.01 – Municipal Strategic Statement Introduction** identifies the City of Monash as one of Melbourne's most populous municipalities where Clayton Major Activity Centre is to play a significant role in supporting the anticipated demand for professional and service industry jobs. A key issue within the City of Monash includes the need to respond to projected population growth through the appropriate growth of activity centres, particularly in locations close to public transport. Identifying activity centres and promoting development and expansion of retail, entertainment and community related facilities appropriate to a centre's role is a major strategic direction of Monash City Council.

- **Clause 21.05 – Economic development** seeks to foster business growth by increasing the number of viable local employment opportunities and revitalising key areas to ensure that new development is of a high standard. Encouraging appropriate mixed use development whilst ensuring the amenity of neighbourhoods is not adversely affected is a key objective of Monash City Council.
- **Clause 21.06 – Major Activity and Neighbourhood Centres** identifies Clayton as a Major Activity Centre whose primary focus is to provide for higher order goods, speciality retailing, entertainment, mixed commercial uses, offices, apartments, hotels, community facilities and public transport. This policy specifically encourages redevelopment and concentration of activity within the Clayton Major Activity Centre. Office land uses are to be encouraged where contiguous retail frontage is not compromised.
- **Clause 21.08 – Transport and traffic** seeks to provide a more environmentally responsible transport system by encouraging the use of public transport, cycling and walking.
- **Clause 21.13 – Sustainability and environment** encourages new development to incorporate environmentally sustainable design measures.
- **Clause 22.03 – Industry and Business Development and Character Policy** applies to all land in the Commercial 1 Zone and ensures that new development is successfully integrated into existing business areas to enhance the streetscape character and amenity. Particularly the policy seeks to provide greater certainty in terms of development outcomes including through the enhancement of private sector investment by encouraging well designed development. Medium rise development is encouraged within the Clayton Activity Centre, except where an adopted Structure Plan or other mechanism has identified an appropriate height limit.
- **Clause 22.04 – Stormwater Management Policy** applies to all land and aims to minimise untreated stormwater discharge to protect waterways, floodplains, wetlands and receiving bodies from the impacts of inappropriate development and a consequential decline in water quality. All stormwater generated from water falling on the impervious surfaces of a site must be collected and discharged, via an on-site stormwater retention system, into the point of discharge nominated by the responsible authority.
- **Clause 22.13 – Environmentally Sustainable Development Policy** requires the implementation of sustainable design practices and for non-residential buildings over 1000sqm gross floor area the provision of a Sustainable Sustainability Management Plan.

4.2 Zoning

4.2.1 Commercial 1 Zone (C1Z)

The purpose of the Commercial 1 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

A permit is required pursuant to the following sub-clauses:

- *'Clause 34.01-1 – Use of land for Accommodation (other than Community care accommodation, Corrective institution and Rooming house) as the frontage to ground floor level exceeds 2m.*
- *Clause 34.01-4 – Buildings and works to construct a building or construct or carry out works.'*

As the proposal includes the provision of serviced apartments, this constitutes 'construction or extension of a residential building' and a neighbourhood and site description and design response must be provided pursuant to Clause 34.01-5.

Pursuant to Clause 34.01-7 an application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirement of the *Planning & Environment Act 1987*. This does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. As the land to the immediate east is within the Residential Growth Zone Schedule 3, public notice is required.



Drawing Title _____ Project Name _____

DR03 - Zone Plan

270 Clayton Road, Clayton

Drawing No. _____ Revision _____ Date _____ Drawn _____ Checked _____ Project Principal _____ Scale _____

319-0775-00-P-01-DR03 00 05.05.2020 SM BC JI



Figure 10 Zone Plan

4.3 Overlays

4.3.1 Special Building Overlay (SBO)

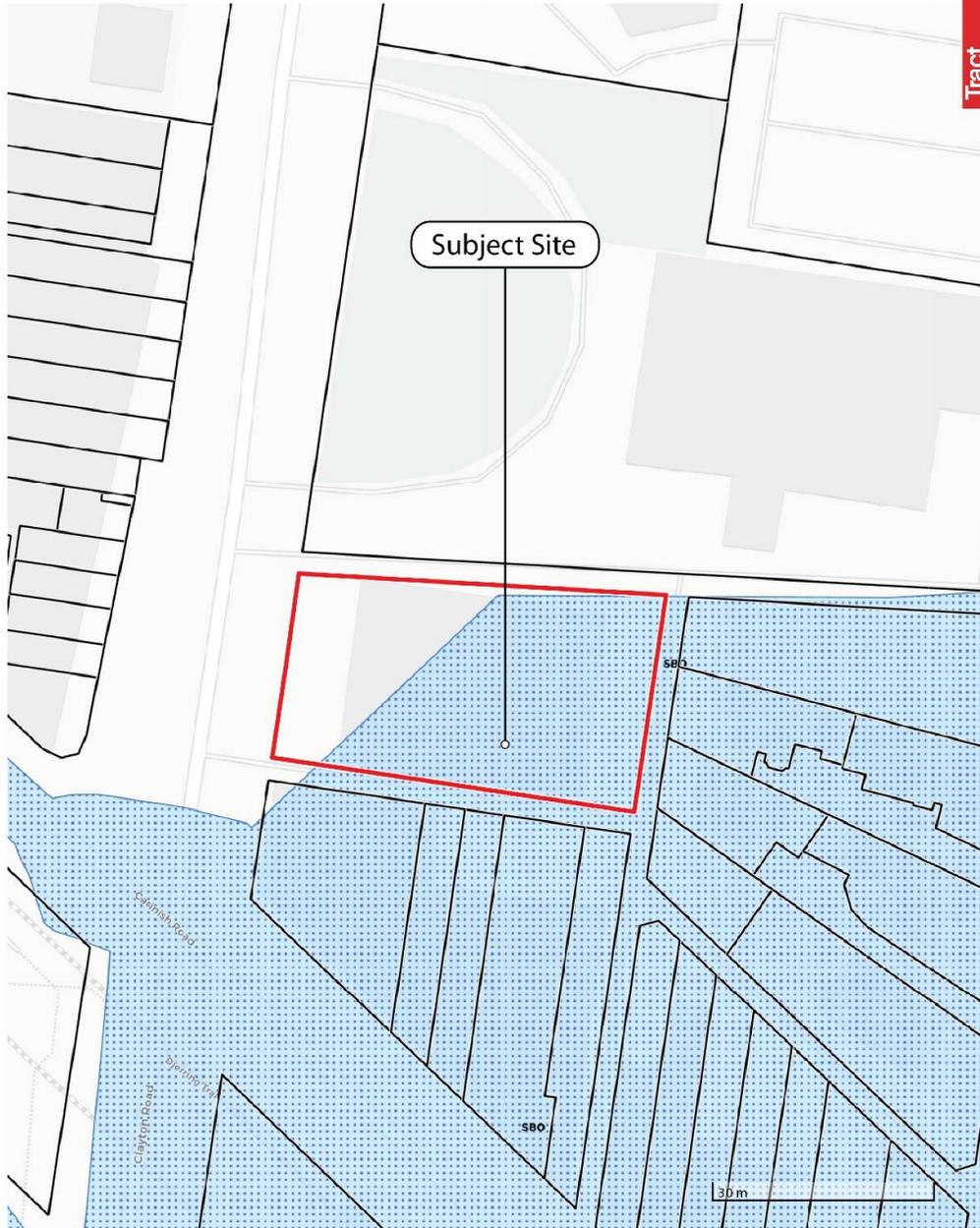
The purpose of the Special Building Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).'*

Pursuant to Clause 44.05-2 a permit is required to construct a building or to construct or carry out works.

An application under this overlay is exempt from the notice requirements of the *Planning & Environment Act 1987*.

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.



Drawing Title		Project Name				
DR04 - Overlay Plan (SBO)		270 Clayton Road, Clayton				
Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
319-0775-00-P-01-DR04	00	05.05.2020	SM	BC	JJ	

Figure 11 Overlay Plan

4.4 Particular Provisions

4.4.1 Clause 52.06 – Car parking

The purpose of Clause 52.06 is:

- *'To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.'*

The Site is located within the Principal Public Transport Network (PPTN).

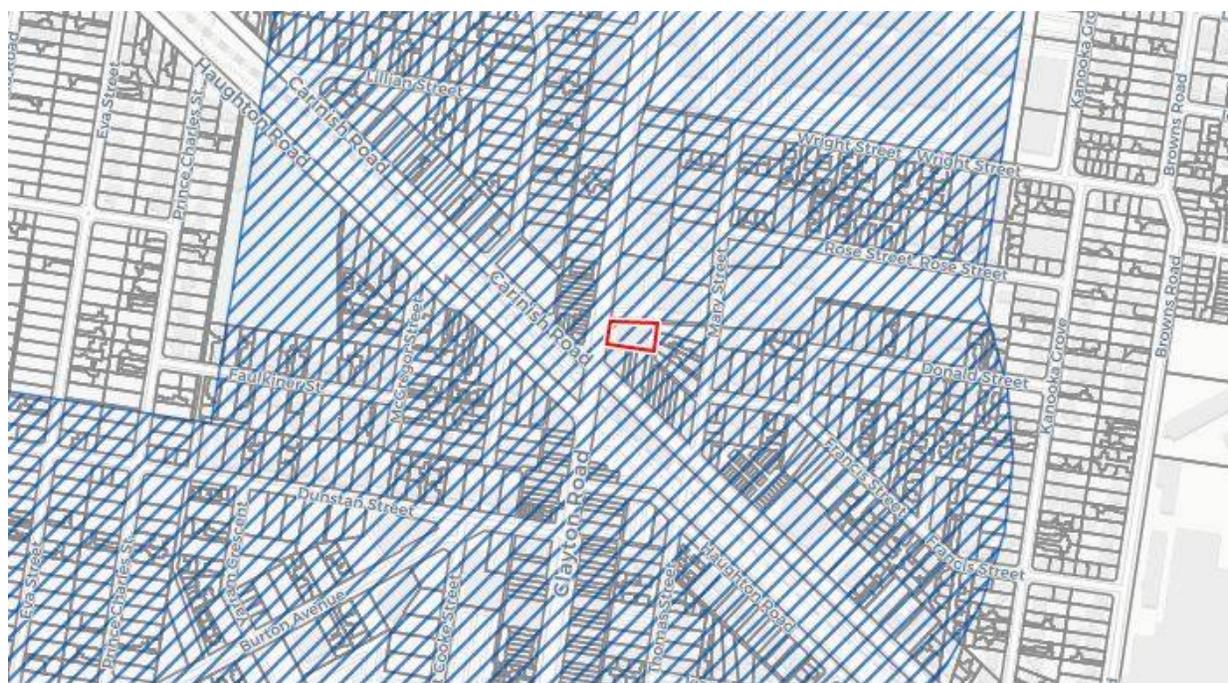


Figure 12 Principal Public Transport Network (PPTN) Plan

4.4.2 Clause 52.29 – Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road.

The purpose of Clause 52.29 is:

- *'To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.'*

A permit is required to create or alter access to a road in a Road Zone, Category 1.

4.4.3 Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.'*

A permit is required to reduce the statutory number of bike parking spaces.

4.5 Other Planning Considerations

4.5.1 Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 is a reference document and the Victorian Government's metropolitan planning strategy that will guide the cities growth to 2050.

Plan Melbourne's primary aim is to house, employ and connect more people to jobs and services closer to where they live.

The Site is:

- Located within the Eastern Metropolitan Region.
- Located within the Monash National Employment and Innovation Cluster.
- Identified as a Major Activity Centre.

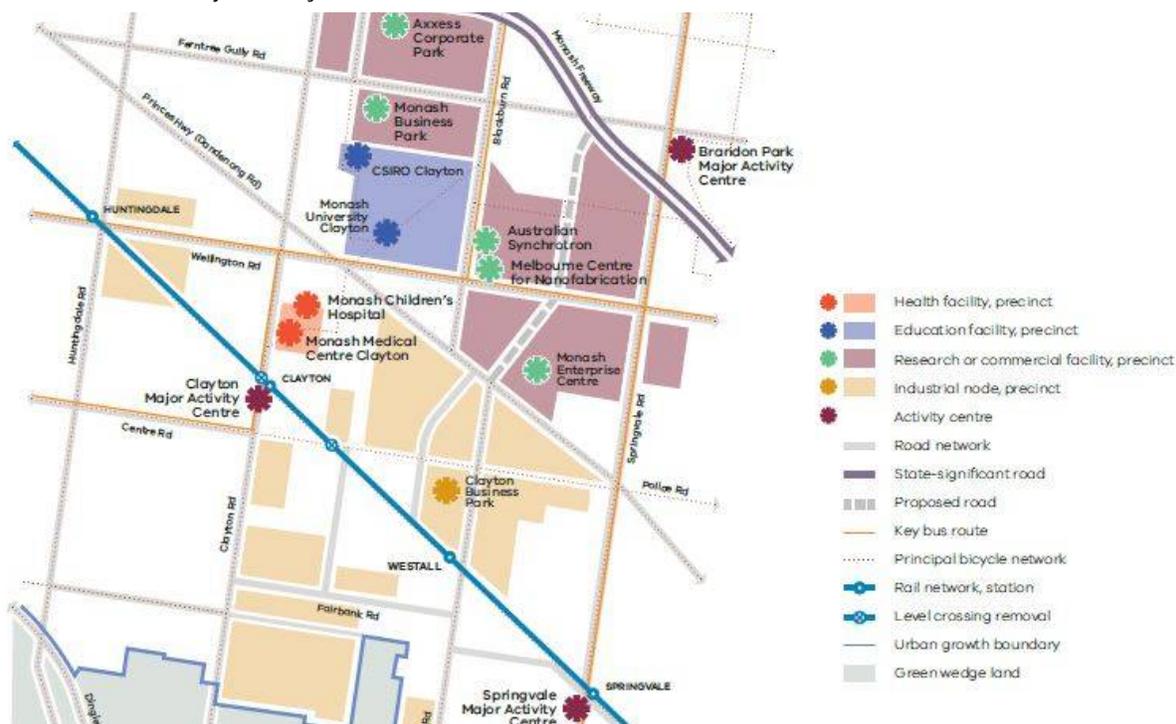


Figure 13 Monash National Employment and Innovation Cluster

4.5.2 Clayton Activity Centre Precinct Plan (January 2020)

The City of Monash has recently prepared the Clayton Activity Centre Precinct Plan.

We understand this strategic work was adopted by Monash City Council on 28 January 2020 and an Implementation Plan is currently being prepared for Council endorsement and preparation of planning scheme amendment application.

We have reviewed the Precinct Plan and note the following key elements relevant to the redevelopment of the Site.

Vision

The vision for the Clayton Activity Centre is:

'Centrally located within the Monash NEIC, Clayton is a vibrant and diverse centre offering a range of learning, employment and lifestyle opportunities. It is a convenient centre where people can access major health, education and transport destinations along people focused streets.'

Activities and Land Use

The Site is identified as being within the 'Retail/Commercial/Mixed Use' area.

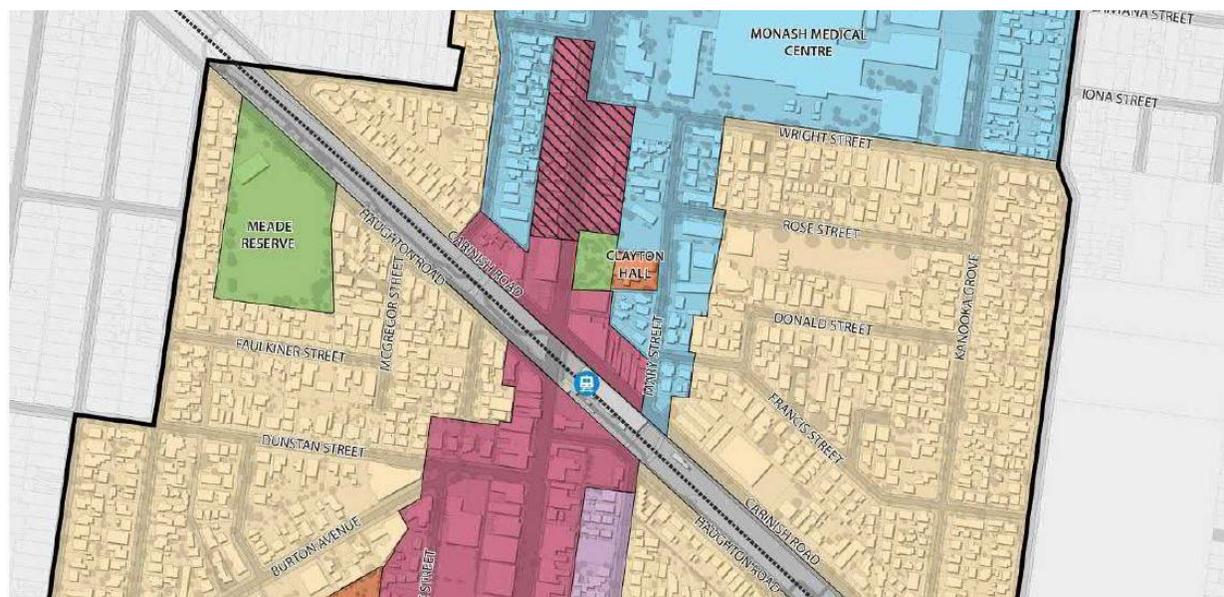


Figure 14 Clayton Activity Centre Land Use Plan

Built Form

It is noted that the Plan aims to locate taller buildings within the commercial core of Clayton, or larger redevelopment sites and in prominent locations to contribute to creating a stronger entrance to Clayton.

The Plan designates several built form guidelines for the Site (each of which are noted further below).

It also demonstrates that the area directly north of the Site is existing public open space which is to be retained and which solar access must be maintained, as well as along the footpath of Clayton Road directly fronting the Site.

It notes that the section of Clayton Road containing the Site *'will transform from detached dwellings and medical suites set in gardens into attached shopfronts and mixed-use buildings with no setback to the street. This will support retail and hospitality uses in this area.'*



Figure 15 Clayton Activity Centre Built Form Plan

Public Realm

The Plan designates the following public realm features surrounding the Site:

- Clayton Road as a primary streetscape with a 40km/h preferred speed.
- Pedestrian focused laneway directly abutting the Site's northern boundary.
- Service laneways directly abutting the Site's eastern and southern boundaries.
- Primary weather protection area along the Site's Clayton Road frontage.
- Future 'green' open space directly north of the Site.

Movement and Transport

The Plan reiterates Clayton Road as being a 'pedestrian priority street' and the laneway directly north of the Site as being a 'new/improved pedestrian link'.

Strategies under this theme also include locating car parking facilities in strategic locations around the Activity Centre to minimise disruption to and reduce parking demand along Clayton Road.

Precinct 1 – Central Retail

The Site is also designated as being in Precinct 1 – Central Retail. Within this precinct, the Site is identified as a 'Key Development Site'.

The following key projects of relevance to the Site are noted within this precinct:

- *P1.1 – 'Ensure consistent streetscaping and built form along Clayton Road to support a continuation of retail and hospitality uses north of the railway line.'*
- *P1.7 – 'Widen footpath along the eastern side of Clayton Road to enhance the connection between the shops, station and the Medical Centre.'*
- *P1.10 – 'Enhanced pedestrian connection widened with shared vehicle and pedestrian use' (laneway directly north of the Site).*

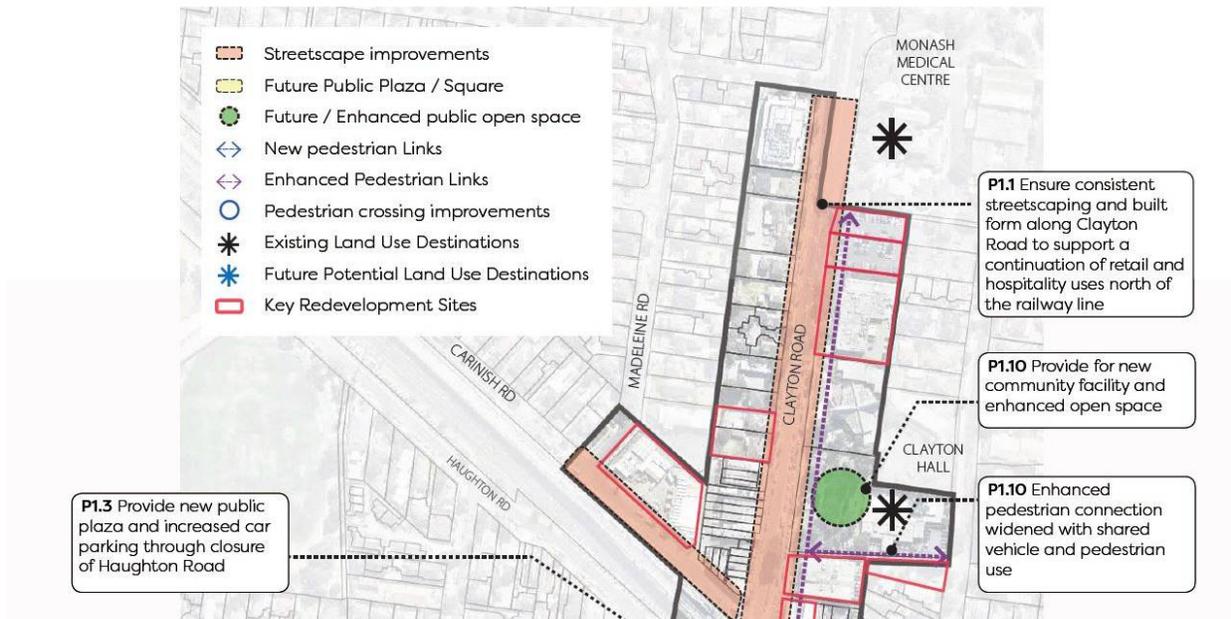


Figure 16 Precinct 1 - Key Projects

Precinct 1: Built Form and Development Requirements

- **Building Heights:** Preferred 10 storeys (32m-35m).
- **Street Wall:** 3 storey retail street wall (zero front & side setbacks).
- **Ground Level Setbacks for footpath/Laneway widenings:** 2.0m to achieve footpath widening along eastern side of Clayton Road.
- **Upper Level Setbacks:** Upper level setback from the front of the building should be a minimum of 5m, and development should adopt the same street setback for at least 65% of the height of the upper levels to avoid 'wedding cake' built form outcomes.
- **Solar Access:** New development should maintain solar access within 4.0 metres of the eastern and western boundary of Clayton Road between 10:00am and 2:00pm on 22 September.
- **Residential Interface:** Building height should not exceed 11.5m (3 storeys) at the residential interface.
- **Weather Protection:** Verandas should be incorporated into the façade design and should be at an appropriate height above the footpath, generally between 3 and 4.5m and consistent with adjoining sites.

4.5.3 Aboriginal Cultural Heritage Sensitivity

The Site is partially covered (a small section in the north east corner) by an area of Aboriginal Cultural Heritage Sensitivity.

As the land has already been developed for a 'high impact activity' a Cultural Heritage Management Plan (CHMP) is not required to accompany the development application.



Figure 17 Area of Cultural Heritage Sensitivity Plan

4.5.4 Suburban Rail Loop Project

The Suburban Rail Loop (SRL) project proposes an underground passenger railway route traversing the middle suburbs of Melbourne connecting to many of the existing radial above-ground railway lines. Clayton is identified as a potential interchange super hub, linking with the Pakenham and Cranbourne lines, in the first stage of the project.

There are no specific details of the alignment of the rail corridor or the location of station portal at this time.

5 Planning Assessment

5.1 Overview

When assessing the proposal against the Monash Planning Scheme, it was determined that the following issues were relevant.

- Is the planning permit application consistent with planning policy?
- Is the Site suitable for the use as retail, office and residential hotel?
- Are the proposed building and works appropriate having regard to the site context and built form and development requirements within the Clayton Activity Centre Precinct Plan?
- Does the proposal respond to equitable development considerations?
- Does the application provide adequate traffic, car parking and bike parking facilities?
- Does the application provide adequate waste management arrangements?
- Does the application provide for an environmentally sustainable design?
- Does the application trigger the requirement of a CHMP?

Each of these issues is discussed further below.

5.2 Assessment

5.2.1 Is the planning permit application consistent with planning policy?

It is respectfully submitted the proposal is consistent with the various policy provisions outlines within the *Monash Planning Scheme*, including the Planning Policy Framework and the Local Planning Policy Framework. More particularly we would note the following:

Settlement

- The proposal seeks to assist in the delivery of sustainable communities, redevelop existing urban areas, locate along existing and planned transport infrastructure, diversify land use and development of activity centres and provide high levels of amenity (as per **Clause 11.01-1S – Settlement, Clause 11.02-1S – Supply of urban land, Clause 11.02-2S – Structure planning, Clause 11.02-1S – Activity centres, Clause 11.03-1R – Activity centres – Metropolitan Melbourne**).

Built environment and heritage

- The proposal seeks to promote safe, healthy, functional and enjoyable urban environments that contribute positively to the local context, enhance the public realm, gives people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home, emphasises the pattern of local urban structure and subdivision and is energy and resources efficient (as per **Clause 15.01-1S – Urban design, Clause 15.01-1R – Urban design – Metropolitan Melbourne, Clause 15.01-2S – Building design, Clause 15.01-4S – Healthy neighbourhoods, Clause 15.01-4R – Health neighbourhoods – Metropolitan Melbourne, Clause 15.01-5S – Neighbourhood character, Clause 15.02-1S – Energy and resources efficiency, Clause 15.03-2S – Aboriginal cultural heritage**).

Economic development

- The proposal seeks to support employment areas and facilitate growth in a range of employment sectors, support employment oriented development in where commercial facilities are aggregated in activity centres (Clayton Activity Centre) and maximise the economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination, particularly where public transport is available (as per **Clause 17.01-1S – Diversified economy, Clause 17.02-1S – Business, Clause 17.04-1S – Facilitating tourism**).

Transport

- The proposal seeks to integrate land use development with safe and sustainable transport systems, promote the use of sustainable transport and transit-oriented outcomes within the redevelopment, improve local travel options for walking and cycling, facilitate increased development close to high-quality public transport and activity centres, increase the diversity and density of development along the PPTN and provide an adequate supply of car parking this is appropriately designed and located (as per **Clause 18.01-1S – Land use and transport planning, Clause 18.02-1S – Sustainable personal transport, Clause 18.02-1R – Sustainable personal transport – Metropolitan Melbourne, Clause 18.02-2S – Public transport, Clause 18.02-2R – Principal Public Transport Network, Clause 18.02-4S – Car parking**).

Infrastructure

- The propose seeks to promote suitable management of water supply (including water resources, wastewater, drainage and stormwater) through an integrated water management approach (as per **Clause 19.03-3S – Integrated water management**).

Local Planning Policy

- The proposal is located within the Clayton Major Activity Centre and seeks to support the anticipated demand for professional and service industry jobs and promote development and expansion of retail and other commercial land uses (as per **Clause 21.01 – Municipal Strategic Statement Introduction**).
- The proposal seeks to foster business growth and revitalise the Clayton Activity Centre by providing a mixed use development outcome (as per **Clause 21.05 – Economic development**).
- The propose seeks to redevelop land and concentrate land use activities within the Clayton Major Activity Centre as well as office land uses above continuous retail frontage (as per **Clause 21.06 – Major Activity and Neighbourhood Centres**).
- The proposal seeks to provide a more environmentally responsible transport system by encouraging the use of public transport, cycling and walking (as per **Clause 21.08 – Transport and traffic**).
- The proposal seeks to incorporate environmentally sustainable design measure (as per **Clause 21.13 – Sustainability and environment**).
- The proposal seeks to successfully integrate development into existing business areas which will enhance the streetscape character and public realm amenity, as well as result in private sector involvement within well designed development outcomes (as per **Clause 22.03 – Industry and Business Development and Character Policy**).
- The proposal provides for a 30,000L rain water tank which will assist with minimising untreated stormwater discharge and protect waterways, flood plains, wetlands and other water bodies from the impacts of any potential consequential decline in water quality (as per **Clause 22.04 – Stormwater Management Policy**).
- The proposal provides a sustainable design outcome as detailed in the enclosed Sustainable Management Plan (as per **Clause 22.13 – Environmentally Sustainable Development Policy**).

5.2.2 Is the Site suitable for the use as retail premises, office and residential hotel?

The Site is located within the Commercial 1 Zone (C1Z).

The proposal aligns with the objectives of the C1Z, specifically:

- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

The Clayton Activity Centre Precinct Plan does not seek to change the zone of the land, rather identifies the Site as a location for 'Retail/Commercial/Mixed Use' which broadly aligns with the permissible land uses under the C1Z.

Retail Premises

The proposal includes two retail premises on the ground floor.

The definition of a retail premises is *'(a) land used to sell goods by retail, or by retail and wholesale; (b) sell services; or (c) hire goods.'*

Retail premises is a Section 1 land use and does not require a planning permit under the C1Z.

Office

The proposal includes several floors of office.

The definition of office is *'land used for administration, or clerical, technical, professional, or other like business activity. No Office goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.'*

Office is a Section 1 land use (there is no C1Z schedule identifying a maximum leasable floor area) and does not require a planning permit under the C1Z.

Residential Hotel

The proposal includes several floors of serviced apartments as well as an area on ground floor allocated to a reception/lobby.

There is no definition for serviced apartments in clause 73.03 (land use terms) within the Victorian Planning Provisions, notwithstanding the closest definition is for a residential hotel. The definition of a residential hotel is *'land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.'*

It is noted the proposal includes conference centre facilities and health club facilities (both specifically for the use for serviced apartment guests only) which is envisaged within the definition of a residential hotel, and as such are to be considered ancillary to the residential hotel land use.

Residential hotel is not included as a stand-alone land use within Clause 34.01-1 (table of uses), rather is nested under accommodation – which is a Section 1 land use with the following condition *'any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).'*

The frontage to the building at ground floor along the northern shared laneway interface is at a width greater than 2m. This has been proposed as it will be an attractive, generous entrance area shared by both the residential hotel as well as the office component of the building. Notwithstanding, this technically triggers a planning permit, however it is respectfully submitted the use of land for a residential hotel can be considered a Section 1 land use (permit not required), it is the urban design and public realm response to the ground floor and streetscape that triggers the specific need for Council assessment, and as such the proposal provides an exceptional, site specific response regarding this matter.

5.2.3 Are the proposed building and works appropriate having regard to the built form and development requirements within the Clayton Activity Centre Precinct Plan?

Building heights

The proposal is for a 11 storey building with a maximum height ranging between 39.74m to 41.24m (excluding lift core and solar panels). This represents a slight increase as to the numerical preferred buildings height of 10 storeys (32m-35m) as envisaged within the Precinct Plan.

Notwithstanding, we make the following comments in support for the proposal's height, specifically its additional 1 storey (4m-6m):

- The site is identified as a *'key redevelopment site'*, which has an express purpose to accommodate a greater intensity of development in comparison with other development sites identified with a 10 storey preferred height limit.
- The proposal will result in an outstanding, architecturally designed development that will set the tone for future planning permit applications to better place the long term delivery of the Clayton Activity centre vision.
- The rooftop plan (11th storey) includes conference centre facilities and health facilities – centrally located to minimise any appreciation from any immediately surrounding public realm. The 11th storey is limited to a small and compact portion of the building area and is akin in scale to a typical plant and service area commensurate with a building of this scale.
- The introduction of an 11th storey enables the service area to be entirely concealed within the building envelope. This provides for an improved architectural and urban design outcome.
- The building height above the preferred provisions do not create any additional unreasonable shadow impacts when compared with a 10 storey building.

Street wall

The street wall and architectural presentation of the building along Clayton Road presents as a well-defined massing, that 'frames' the respective north-west corner when viewed from a distance, while also being designed to respect the human scale streetscape and public realm nature of the widened footpath and introduced access along the norther ground floor.

The architectural scape and form breaks at the locations of balconies – including double void terrace ceiling heights – which along with the vertical landscape response, results in the overall softening of the building presentation to the street and has the same effect as what a traditional podium would have in its relationship with the surrounding area.

Upper level setbacks

The proposal is positioned on both an island site (surrounded on all 4 sides by either roads or laneways) as well as a corner site (specifically the corner to Clayton Road and the Clayton Hall forecourt and remembrance gardens). Further, the Site is identified as a *'key development site'*.

As such, the architectural response seeks to provide a landmark building that holds the corner and frames the generous public open space directly to the north.

The proposal provides an angled setback above the street wall (podium) which ranges from 2.6m in the north-western corner to 4.6m in the south-western corner. The setback arrangement is appropriate as it:

- Allows the building to hold the leading edge of the Site with the public open space to the north, whilst providing a smooth transition towards the south where the setback above the street level is most required.
- Is Site and context responsive.
- Is consistent with general *'key redevelopment site'* expectations which typically call for more intensive built form outcomes.
- Does not set a precedent for wholesale variations to be sought in the activity centre. In fact, the setback arrangement drives a compliant outcome on the property to the south of the laneway by virtue of the 5m setback being provided.

Ground level setbacks for footpath/laneway widenings

The proposal has been set back from its Clayton Road boundary (western boundary) between 4.44m (norther extent) and 3.085m (southern extent). This setback is entirely greater than the 2m set back envisaged within the respective Precinct Plan. There are planter boxes (with shrubs and climbers and ground cover) along this length proposed to provide greenery and visual separation between Clayton Road and the ground floor uses.

We submit this generous provision of ground floor public realm to be an excellent site response and meets the intent to improve the pedestrian area and experience along Clayton Road.

Residential interface

The proposal reflects a built form condition of part 3 storeys (12.635m) and part 4 storeys (17.4m) along the eastern building elevation – oriented towards the existing residential interface. More specifically, this includes ground floor end of trip facilities and two/three levels of office above.

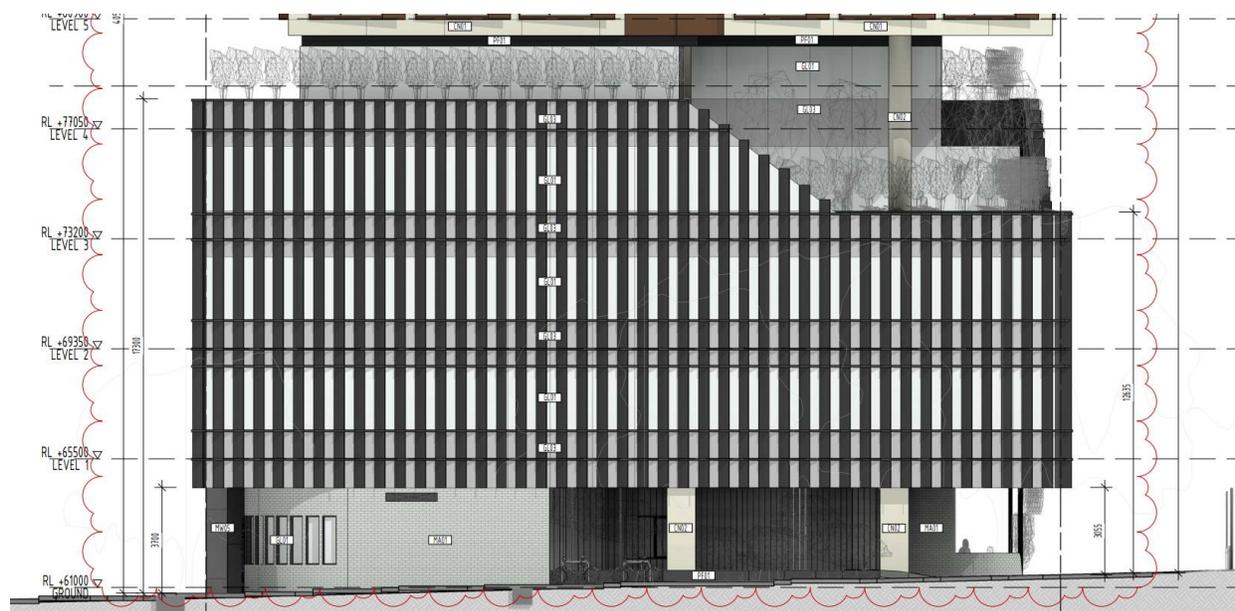


Figure 18 Eastern Elevation

This is slightly above the height envisaged within the Precinct Plan; however, it is noted:

- The laneway separating the Site and the existing properties to the east is approximately 3m in width (no part of the Site shares an immediate boundary with a private property).
- The existing dwellings positioned within the properties to the east vary in setback from their rear property boundary between 0m (built to boundary) to approximately 35m (29 Mary Street).
- The proposed built form at levels 1, 2 and 3 (the physical interface typology) is to be a combination of glazing (clear and spandrel) between a perforated metal mesh finish – which will provide an attractive and backdrop to the existing residential (as well as future 'health/medical focused mixed use') context.

Given the above, it is submitted the design response is respectful to its eastern residential interface and should be supported.

Solar Access:

The proposal is positioned on the eastern side of Clayton Road within a C1Z and more broadly, commercial and mixed use context. Further:

- The proposal does not cast any shadow on the existing public open space (Clayton Hall forecourt and remembrance gardens) to the north and appropriately maximises its position and solar orientation by introducing improved north facing ground floor public realm as well as proposing north facing terraces above.
- The proposal does not cast any shadow on any private property on the western side of Clayton Road at 10am (almost the entire pedestrian footpath on the western side of Clayton Road does not have any shadow at this time onwards).
- The proposal does cast shadow on the rear of the commercial buildings to the south, however:
 - This condition is to be expected given the intent for the Clayton Activity Centre to evolve into a denser built form area with taller buildings.
 - All commercial properties and buildings are aligned in a north-south orientation with Carinish Road as the primary frontage.
 - The rear of the existing commercial buildings is not sensitive in so far, they are generally used for 'back of house' purposes, delivery (along the laneway) and at grade, paved car parking.
- The proposal does cast shadow on private property to the east, however:
 - The respective private open space of these properties receives excellent access to daylight at 9am, 10am, 11am, 12noon and partially 1pm onwards.
 - The properties are identified as 'health/medical focused mixed use' and is not envisaged to remain residential (and as such require typical suburban private open space provisions) in the medium-long term.
 - Much of the land at the rear of 29 Mary Street, Clayton is an existing paved car park (with capacity for approximately 5-6 cars) located at the rear, and as such should not be afforded relevant overshadowing planning consideration.
 - There are multiple public open space locations within proximity including Clayton Hall forecourt and remembrance gardens and the recently completed recreational facilities (and bike/walking trails) underneath the Clayton train station and associated railway line.
- The proposed built form height above 10 storeys (32m-35m) as envisaged within the Precinct Plan is generally due to the incorporation of a rooftop area with enclosed conference facilities and health facilities – which are purposefully located towards the centre of the building and will not have any additional shadow impacts beyond the 10 storey built form envelope.

Given the above, respectfully submit the design response in how it is respectful to shadowing is appropriate and should be supported.

Weather protection

Weather protection has been incorporated into the design response with much of the pedestrian realm along the Clayton Road (western) and shared laneway (northern) under cover.

The Precinct Plan seeks for weather protection to be 'consistent with adjoining sites'. We would respectfully submit the Site is an island site in its position between a laneway along its northern and southern extents (a physical constraint that prevents the ability for a consistent veranda along this eastern portion of Clayton Road), nevertheless the proposal as it is presented provides for a genuine design response that best incorporates this weather protection element within the ground floor condition.

The shading blades (operable on the northern façade) at levels 2, 3 and 4 protrude slightly from the building's main façade by approximately 600mm. This in effect is no different to any part of a building awning or veranda overhanging

a road reserve or similar and we respectfully submit there to be no negative impacts on the role and functionality of Clayton Road or the three ROW laneways as a result of this proposed build form element.

5.2.4 Does the proposal respond to equitable development considerations?

The proposal has been designed to enable surrounding properties to respectfully respond to the emerging and desired land use and development context as envisaged within the Clayton Activity Centre Precinct Plan, specifically:

- The built form is set back 4.5m from the central point of the laneway to the east which will provide 9m distance between buildings above podium.
- The building is set back 4.5m from the central point of the laneway to the south which will provide a 9m distance between buildings above podium.
- All primary terrace spaces are oriented to the north (or north-east/north-west) thereby ensuring these continue to receive excellent access to sunlight and outlook.
- The proposal does not rely on any Section 173 agreements with neighbouring landowners to ensure appropriate accessibility or built form outcomes.
- The residential properties to the east (oriented towards Mary Street) are identified as being within the Residential Growth Zone (RGZ) and are identified within the Precinct Plan as preferred height of 8 storeys.

5.2.5 Does the application provide adequate traffic, car parking and bike parking facilities?

A Traffic Report dated 10 November 2020 and Green Travel Plan dated 11 November 2020 has been prepared by Ratio and can be found enclosed within the application material.

The reports provide the following key information:

- The Site is ideally located to take advantage of access to sustainable transport alternatives such as the metropolitan train, buses, bicycle & pedestrian network. This will enable users of the proposed development to travel to and from the site.
- The provision of 120 car parking spaces (four for retail use, 68 spaces for office use, 47 spaces for serviced apartments and one car share space) is expected to meet the long-term parking demand (including staff/employees and guests of the serviced apartments) of the proposed development.
- The development provides a total of 73 bicycle parking spaces onsite to cater for the needs of all the users of the proposed development. This provision of bicycle parking spaces exceeds the statutory requirements of Clause 52.34 of the Monash Planning Scheme and is considered to be appropriate.
- The provision of an on-site car share vehicle plus a share bicycle scheme for use by staff and guests will help to reduce the demand for car parking generated by uses on the site.
- Vehicular access to/from the site is proposed the RoW abutting the northern boundary of the site. The accessway located at the northeast corner of the site has been designed in accordance with the requirements of the Monash Planning Scheme.
- It is recommended that Council give strong consideration to the conversion of the existing two-way vehicle flow along the northern ROW to a one-way eastbound direction between Clayton Road and the western side of the proposed site access point to reduce any potential conflict along the northern ROW, particularly at Clayton Road.

Given the above, we respectfully submit the proposal to be acceptable from a traffic engineering perspective and is not expected to create adverse traffic or parking impacts in the precinct.

5.2.6 Does the application provide adequate waste management arrangements?

A Waste Management Plan dated 11 November 2020 has been prepared by Ratio and can be found enclosed within the application material.

The reports provide the following key information:

- A loading area has been provided on ground floor of the proposed development. The loading and unloading activities associated with the proposed development will be undertaken within the RoW abutting the southern boundary of the site. The swept path assessment demonstrates a 6.4-metre-long Small Rigid Vehicle entering the RoW abutting the southern boundary of the site in a forwards direction via the RoWs abutting the northern and eastern boundary of the site, access the loading bay to load/unload items and then exit the RoW in a forwards direction onto Clayton Road in a suitable manner.
- Waste is proposed to be collected from the RoW abutting the southern boundary of the site by a private waste contractor.
- The swept path assessment undertaken demonstrates the ability for a 6.4-metre-long Mini Rear Loader Waste Collection Truck to enter the RoW abutting the southern boundary of the site via the RoWs abutting the northern and eastern boundary of the site, collect waste and depart onto Clayton Road in a suitable manner.

Given the above, we respectfully submit the proposal to be acceptable from a waste management perspective.

5.2.7 Does the application provide for an environmentally sustainable design?

A Sustainable Management Plan dated 11 November 2020 has been prepared by Wrap consulting engineering and can be found enclosed within the application material.

The proposal includes the following key sustainability elements:

- 30,000L rainwater tank (located within basement level 3) used for toilet flushing end of trip facilities, commercial amenities, landscape irrigation and bin room washdown.
- STORM rating 100%.
- Solar PV array (located on rooftop).
- Active transport facilities (including secure bicycle parking, end of trip facilities, electric car charging facilities, etc.).

5.2.8 Does the application trigger the requirement of a CHMP?

A Cultural Heritage Assessment dated 16 July 2020 has been prepared by Andrew Long and Associated and can be found enclosed within the application material.

The report provides the following findings and conclusion:

'In conclusion, it has been demonstrated that the activity area includes a small area of land that is mapped as 'Qd1' evident in the Surface Geology of Victoria 1:250 000 map book. As per r.41(1) and r.41(3) this land is an area of cultural heritage sensitivity. However, on the basis of historic aerial imagery (level 2) and common knowledge of construction methodologies in the late 20th and early 21st century (level 1), which document prior construction activities within the activity area, it has been established that the activity area, and specifically all land within the activity area mapped as 'Qd1' in the Surface Geology of Victoria 1:250 000 map book, has been subject to significant ground disturbance. Therefore, in keeping with r.41(2), the activity area does not contain an area of cultural heritage sensitivity.'

6 Conclusion

This Planning and Urban Context Report describes the proposal for a permit for *'use of land as a residential hotel and buildings and works associated with a multi-storey mixed use building and reduction of car parking spaces.'*

The proposal will provide for an extremely well located, high quality architecturally designed mixed use building that will provide an excellent level of internal amenity for future retail, office and serviced apartment users and will have no unreasonable amenity impacts on the nearby properties or the surrounding public realm.

Having considered the proposal in the context of the *Monash Planning Scheme, Plan Melbourne 2017-2050* and the *Clayton Activity Centre Precinct Plan (January 2020)*, it is respectfully submitted that the proposal is generally consistent with all relevant planning considerations.

For the reasons outlined in this report, we would not hesitate to commend this application to Council.